

his family through another grieving process. Despite these concerns, in a manner typical of this courageous and selfless family, he proudly states "My brother was over there for something he believed in, and I want to help finish it."

Although Steven Valdez may no longer be with us, his legacy and his spirit will forever live on in our hearts. On behalf of a grateful nation, my thoughts and prayers go out his family, friends, and all who knew and loved him.

I thank you, Mr. President, and I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### BARBARA BERGER RETIREMENT

Mr. FRIST. Mr. President, it is my pleasure to recognize Barbara Berger, a dedicated Senate employee who is retiring today. Barbara has devoted 33 years to the Office of the Sergeant at Arms in the Senate Recording Studio.

She has served 13 Sergeants at Arms. Of the 320 Senators who have passed through these halls during her tenure, only 4 current Members have been "under the Dome" longer than Barbara.

Throughout her career in the Senate, Barbara has brought strength, passion, and dignity to every aspect of her service. She's seen tremendous change over the years. But through it all, she has remained constant and loyal to this institution.

On behalf of the entire Senate, I would like to thank Barbara Berger for her 33 years of service.

We wish her the very best in her retirement.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 554. An act to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

S. 1904. A bill to provide elementary and secondary education assistance to students and schools impacted by Hurricane Katrina.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD (for himself and Mr. SMITH):

S. 1906. A bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders from income and employment taxes and wage withholding; to the Committee on Finance.

By Mr. JOHNSON (for himself, Ms. CANTWELL, Mr. DORGAN, Mr. INOUE, Mr. KERRY, Mrs. MURRAY, Mr. SMITH, and Ms. STABENOW):

S. 1907. A bill to promote the development of Native American small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 1908. A bill to authorize the Under Secretary of Technology of the Department of Commerce to award grants to establish up to eight Nanoscience to Commercialization Institutes throughout the United States to develop commercial applications for nanotechnology; to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DODD, and Mr. REID):

S. Res. 284. A resolution authorizing filming in the Chamber of the Senate for the use by the Capitol Visitor Center; considered and agreed to.

By Mr. MARTINEZ (for himself and Mr. SALAZAR):

S. Res. 285. A resolution recognizing the efforts and contributions of outstanding national Hispanic scientists; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 440

At the request of Mr. BUNNING, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 662

At the request of Mr. REED, his name was added as a cosponsor of S. 662, a

bill to reform the postal laws of the United States.

S. 1200

At the request of Mr. BUNNING, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1200, a bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain roof systems.

S. 1504

At the request of Mr. ENSIGN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1504, a bill to establish a market driven telecommunications marketplace, to eliminate government managed competition of existing communication service, and to provide parity between functionally equivalent services.

S. 1570

At the request of Mr. ROBERTS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1570, a bill to promote employment of individuals with severe disabilities through Federal Government contracting and procurement processes, and for other purposes.

S. 1900

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1900, a bill to amend title XVIII of the Social Security Act to stabilize the amount of the medicare part B premium.

S. RES. 282

At the request of Mr. BIDEN, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 282, a resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate that Congress should raise awareness of domestic violence in the United States and its devastating effects on families.

AMENDMENT NO. 2124

At the request of Mr. SCHUMER, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Maine (Ms. COLLINS), the Senator from Nebraska (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2124 intended to be proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself and Mr. SMITH):

S. 1906. A bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search

and rescue personnel, and emergency medical responders from income and wage withholding; to the Committee on Finance.

Mr. DODD. Mr. President, I am pleased to rise today with my colleague Senator SMITH to introduce bipartisan legislation to improve important tax relief to volunteer firefighters and emergency first responders. Congressman JOHN LARSON of Connecticut has introduced similar legislation in the House of Representatives.

Seventy-five percent of firefighters and emergency first responders in our country today are volunteers. Statistics show that the number of volunteer firefighters and emergency first responders has declined in past years. Since 1983, the number of volunteer firefighters and emergency first responders has declined anywhere between 5 and 10 percent. Meanwhile, the number of emergency calls made to these volunteer services has increased sharply.

Many municipalities across the country, including those within the State of Connecticut, offer stipends and property tax abatements to volunteer firefighters, search and rescue personnel, emergency medical technicians, paramedics and ambulance drivers. These incentives have helped local fire departments and emergency first responder services recruit and retain volunteers.

In 2002, the Internal Revenue Service, IRS, ruled that property tax abatements to volunteers should be treated as wages and income. This ruling significantly diminished the net value of tax abatements for volunteer firefighters and emergency first responders.

The legislation that Senator SMITH and I are introducing amends the Internal Revenue Code to exclude property tax abatements and stipends for volunteer firefighters and emergency first responders from the definition of income and wages. This bill would allow State and municipal governments to continue providing these incentives to their volunteer fighters and emergency first responders without any adverse federal tax implications.

I have long believed that our country should do more to encourage Americans to volunteer in their communities. A modest tax break is not a large repayment for the great services that volunteer firefighters and emergency first responders provide to our communities. They literally risk their lives daily for others. The least we can do is allow States and municipalities to offer these modest incentives to serve.

The current IRS rule—while on one level understandable—nevertheless complicates the good intentions and creative efforts of many states and municipalities. If our State and municipal governments are willing to forgo their local tax revenues in order to ensure that they have enough volunteer firefighters and emergency first responders

to protect their communities, then our country should in my view support those State and local efforts. In so doing, our country will be acting to encourage and award volunteers.

I hope that our colleagues will join us in supporting this bipartisan legislation so that our national government can join with State and local governments to design and implement re-recruiting and retention initiatives that benefit not only volunteer firefighters and emergency first responders, but also the communities they protect.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1906

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXCLUSION OF PROPERTY TAX REBATES AND OTHER BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS, SEARCH AND RESCUE PERSONNEL, AND EMERGENCY MEDICAL RESPONDERS FROM INCOME AND EMPLOYMENT TAXES AND WAGE WITHHOLDING.**

(a) EXCLUSION FROM GROSS INCOME.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 140 as section 140A and by inserting after section 139 the following new section:

**“SEC. 140. PROPERTY TAX REBATES AND OTHER BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS, SEARCH AND RESCUE PERSONNEL, AND EMERGENCY MEDICAL RESPONDERS.**

“(a) EXCLUSION.—Gross income shall not include a qualified property tax rebate or other benefit.

“(b) QUALIFIED PROPERTY TAX REBATE OR OTHER BENEFIT.—For purposes of subsection (a)—

“(1) IN GENERAL.—The term ‘qualified property tax rebate or other benefit’ means a rebate of real or personal property taxes, or any other benefit, provided by a State or political subdivision on account of services performed as a member of a qualified volunteer emergency response organization.

“(2) QUALIFIED VOLUNTEER EMERGENCY RESPONSE ORGANIZATION.—The term ‘qualified volunteer emergency response organization’ means any volunteer organization—

“(A) which is organized and operated to provide firefighting, search and rescue, or emergency medical services for persons in the State or political subdivision, as the case may be, and

“(B) which is required (by written agreement) by the State or political subdivision to furnish firefighting, search and rescue, or emergency medical services in such State or political subdivision.”.

(2) CLERICAL AMENDMENT.—The table of contents for such part is amended by striking the last item and inserting the following new items:

“Sec. 140. Property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders.

“Sec. 140A. Cross references to other Acts.”.

(b) EXCLUSION FROM EMPLOYMENT TAXES.—

(1) SOCIAL SECURITY TAXES.—

(A) Section 3121(a) of the Internal Revenue Code of 1986 (relating to definition of wages)

is amended by striking “or” at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting “; or”, and by inserting after paragraph (22) the following new paragraph:

“(23) any qualified property tax rebate or other benefit (as defined in section 140(b)).”.

(B) Section 209(a) of the Social Security Act is amended by striking “or” at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting “; or”, and by inserting after paragraph (19) the following new paragraph:

“(20) Any qualified property tax rebate or other benefit (as defined in section 140(b) of the Internal Revenue Code of 1986).”.

(2) UNEMPLOYMENT TAXES.—Section 3306(b) of the Internal Revenue Code of 1986 (relating to definition of wages) is amended by striking “or” at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting “; or”, and by inserting after paragraph (19) the following new paragraph:

“(20) any qualified property tax rebate or other benefit (as defined in section 140(b)).”.

(c) WAGE WITHHOLDING.—Section 3401(a) of the Internal Revenue Code of 1986 (defining wages) is amended by striking “or” at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting “; or”, and by inserting after paragraph (22) the following new paragraph:

“(23) for any qualified property tax rebate or other benefit (as defined in section 140(b)).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 1908. A bill to authorize the Under Secretary of Technology of the Department of Commerce to award grants to establish up to eight Nanoscience to Commercialization Institutes throughout the United States to develop commercial applications for nanotechnology; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, I rise today with Senator CANTWELL to introduce the Nanoscience to Commercialization Institutes Act of 2005.

Still in its infancy, nanotechnology is an exciting technology with a bright future and the potential to have a significant impact on the economy, global competitiveness and the quality of life for our citizens.

The advent of nanotechnology is creating opportunities in any array of industries with applications ranging from improving the performance of sports equipment used in recreation activities to life-saving medical applications used to combat deadly diseases such as cancer.

Many promising technological advances have already begun to take shape in the world of micro- and nanotechnology and countless more potential future applications exist in fields such as medicine, electronics, energy to name a few.

However, many times innovative research becomes victim of the “Valley of Death” by failing to advance from the research labs to application in commercial products and services.

My bill will establish up to eight Nanoscience to Commercialization Institutes across the country, each focusing on a specific field of expertise including areas such as energy, electronics, agriculture, medical, textiles and transportation with the purpose of developing and bridging research to the marketplace.

My bill is aimed at narrowing this so-called "Valley of Death," by focusing on bringing research to commercialization. To reach this objective, my bill contains provisions requiring these institutes to partner with private sector entities with experience in micro- and nanotechnology and for each institute to develop and maintain business plans.

My bill will create additional avenues for entities that are engaged in micro- and nanotechnologies to develop research for application in commercial products and services that will ultimately contribute to sustained economic development, an improved quality of living and increased U.S. global competitiveness.

The competitive landscape of nanotechnology is global in nature. Other countries, such as Japan and China are making tremendous investments and advances in various specialties of nanotechnology to gain competitive advantages. It is critical the U.S. demonstrate its global leadership role by further advancing opportunities to advance micro- and nanotechnology to commercial applications.

The future of nanotechnology is a bright future and its potential boundless. The legislation that I am introducing today with Senator CANTWELL supports and encourages the advancement of this exciting technology. I urge my colleagues to support the Nanoscience to Commercialization Institutes Act of 2005.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1908

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Nanoscience to Commercialization Institutes Act of 2005".

#### SEC. 2. NANOSCIENCE TO COMMERCIALIZATION INSTITUTES.

##### (a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Under Secretary of Technology of the Department of Commerce (referred to in this Act as the "Under Secretary") is authorized to award grants to eligible entities to establish up to 8 Nanoscience to Commercialization Institutes (referred to in this Act as "Institutes") throughout the United States to assist in the commercialization of nanotechnology.

(2) MAXIMUM AMOUNT.—The Under Secretary shall not award a grant under this section in an amount which exceeds \$1,500,000 for any year of the grant period.

(3) DURATION.—The Under Secretary shall award grants under this section for a period not to exceed 3 years.

(4) LOCATION.—The Under Secretary shall ensure that each Institute is located at either a public university or Federal laboratory.

##### (b) USE OF FUNDS.—

(1) IN GENERAL.—Grants awarded pursuant to subsection (a) shall be used to establish at least 1 Institute in each of the following areas of nanotechnology or microtechnology:

(A) Energy, including clean coal liquification, gasification, and filtration, nuclear energy, biofuels, or fuel processing.

(B) Printable electronics, including electronic displays.

(C) Medical, including diagnostics, imaging, or medical devices.

(D) Transportation, including materials or coatings.

(E) Textiles, including heat resistance, waterproofing, insulation, or fireproofing.

##### (F) Agriculture.

(2) LIMITATION.—Not more than 20 percent of each grant award may be used for administrative expenses or other overhead costs.

(3) MATCHING REQUIREMENT.—For-profit manufacturing companies conducting research and development in micro- and nanotechnologies shall provide—

(A) not less than 20 percent of the funding for each Institute; and

(B) in addition to the funding under subparagraph (A), in-kind contributions equal to not less than 15 percent of the operating costs of the Institute.

##### (c) APPLICATION.—

(1) IN GENERAL.—Each entity desiring a grant under this section shall submit an application to the Under Secretary at such time, in such manner, and containing such information as the Under Secretary may reasonably require.

(2) COLLABORATION.—The application submitted under paragraph (1) shall include a business plan that—

(A) describes how each grant recipient will collaborate with the private sector entities that will contribute expertise and matching funds; and

(B) includes goals for the first year of the grant period.

(3) INELIGIBLE ENTITIES.—Any institution of higher education that has a federally funded nanotechnology center or is the primary lead of a nanotechnology center is not eligible for a grant under this section.

(4) PEER REVIEW COMMITTEE.—The Under Secretary shall establish a peer review committee, consisting of representatives from the micro- and nanotechnology industry and early stage venture capital firms, to review the goals and progress made by each Institute during the grant period.

##### (5) RENEWAL OF GRANTS.—

(A) Each entity that receives an initial 1-year grant under this section shall, as a condition of continued grant funding, submit a report, not later than 1 year after the beginning of the grant period and annually for the next 2 years, to the peer review committee established under paragraph (4).

(B) The report submitted under subparagraph (A) shall describe the Institute's accomplishments during the preceding year and the Institute's goals for the subsequent year.

#### SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$24,000,000 during the 3-year period beginning on the date of enactment of this Act to carry out the provisions of this Act.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 284—AUTHORIZING FILMING IN THE CHAMBER OF THE SENATE FOR THE USE BY THE CAPITOL VISITOR CENTER

Mr. LOTT (for himself, Mr. DODD, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 284

*Resolved,*

#### SECTION 1. AUTHORIZATION OF TAKING OF PICTURES IN SENATE CHAMBER FOR USE BY THE CAPITOL VISITOR CENTER.

(a) AUTHORIZATION.—Subject to subsection (b), paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended for the purpose of permitting the taking of pictures while the Senate is in session or in recess for the period beginning on the date of adoption of this resolution and ending October 31, 2005, at locations and times to be determined by the Committee on Rules and Administration.

(b) LIMITATION ON USE OF IMAGES.—The pictures taken under subsection (a) may only be used by the Capitol Visitor Center for a video presentation in the Capitol Visitor Center after the video presentation has been approved by the Committee on Rules and Administration.

(c) ARRANGEMENTS.—The Sergeant at Arms and Doorkeeper of the Senate shall make the necessary arrangements to carry out this resolution, including such arrangements as are necessary to ensure that the taking of pictures under this resolution does not disrupt any proceeding of the Senate.

#### SENATE RESOLUTION 285—RECOGNIZING THE EFFORTS AND CONTRIBUTIONS OF OUTSTANDING NATIONAL HISPANIC SCIENTISTS

Mr. MARTINEZ (for himself and Mr. SALAZAR) submitted the following resolution; which was considered and agreed to:

S. RES. 285

Whereas the mission of the National Hispanic Scientist of the Year Award is to recognize outstanding national Hispanic scientists who promote a greater public understanding of science and motivate Hispanic youth to develop an interest in science;

Whereas the fifth annual National Hispanic Scientist of the Year Gala will be held at the Museum of Science & Industry in Tampa, Florida on Saturday, October 22, 2005;

Whereas proceeds of the National Hispanic Scientist of the Year Gala support scholarships for Hispanic boys and girls to participate in the Museum of Science & Industry's Youth Enriched by Science Program, known as the "YES! Team"; and

Whereas a need to acknowledge the work and effort of outstanding national Hispanic scientists has led to the selection of Dr. Edmond Jose Yunis as the honoree of the fifth annual National Hispanic Scientist of the Year Award, in recognition of the research conducted by Dr. Yunis in the genetic mapping of human major histocompatibility complex (MHC) genes and their role in immune responses, aging, and autoimmune diseases: Now, therefore, be it

*Resolved,* That the Senate—